

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	Atty. Docket No.:	2391-002
Dale BURNS	Conf. No. :	9242
Appln. No.: 09/491,919	Group Art Unit:	2135
Filing Date: Jan. 27, 2000	Examiner:	Dada, Beemnet W.
Appeal No.: 2006-3035		

For: **SYSTEM AND METHOD FOR EMAIL SCREENING**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find the following:

1. Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a);
2. Declaration of Christopher B. Kilner; and
3. Exhibits (16 pages).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579.

Respectfully submitted,

/Christopher B. Kilner/

Christopher B. Kilner  
Registration No. 45,381  
Roberts Mardula & Wertheim, LLC  
11800 Sunrise Valley Drive, Suite 1000  
Reston, VA 20191-5302  
(703) 391-2900

April 19, 2007

Atty. Docket No. 2391-002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	Atty. Docket No.:	2391-002
Dale BURNS	Conf. No. :	9242
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For: **SYSTEM AND METHOD FOR EMAIL SCREENING**

**PETITION TO WITHDRAW ABANDONMENT  
UNDER 37 C.F.R. §§ 1.10(e) and 1.181(a) BASED ON  
EVIDENCE THAT A REPLY WAS TIMELY MAILED OR FILED**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant/Appellant hereby petitions for withdrawal of abandonment of the above-indicated application based upon Applicant's/Appellant's evidence that a reply, in the form of a Request for Rehearing under 37 CFR 41.52, was timely mailed or filed. A Request for Rehearing under 37 CFR 41.52 was mailed to the Patent and Trademark Office on January 23, 2007.

Attached hereto are (1) a Declaration of the undersigned attorney setting forth the facts and circumstances surrounding the erroneous abandonment of this application, (2) a copy of the Request for Rehearing under 37 CFR 41.52, (3) a copy of the return postcard receipt under MPEP 503 and the Express Mail Receipt under 37 CFR 1.10(e) indicating the mailing/filing date of January 23, 2007.

Respectfully submitted,

/Christopher B. Kilner/  
Christopher B. Kilner, Esq.  
Registration No. 45,381  
Roberts Mardula & Wertheim, LLC  
11800 Sunrise Valley Drive, Suite 1000  
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For: **SYSTEM AND METHOD FOR EMAIL SCREENING**

\* \* \* \* \*  
**DECLARATION BY CHRISTOPHER B. KILNER**  
\* \* \* \* \*

I, Christopher B. Kilner, of Roberts Mardula & Wertheim, LLC, 11800 Sunrise Valley Drive, Suite 1000, Reston, Virginia 20191, United States of America and being an attorney licensed to practice law in the Commonwealth of Virginia (42913) and registered to practice before the United States Patent and Trademark Office (45,381), state as follows:

1. I am the attorney of record in Application No. 09/491,919 of Dale Burns and Theodore Palles entitled System and Method for Email Screening.
2. A Decision on Appeal in the above referenced Application was mailed on November 30, 2006.
3. On January 23, 2007, a Request for Rehearing under 37 CFR 41.52 was timely filed at the United States Patent & Trademark Office, a copy of which is attached hereto and includes a label of "Express Mailing Label No.: EV 955981497 US" in accordance with 37 CFR 1.10(e)(2).
4. Copies of the return postcard receipt (see attached copy) and Express Mail mailing label no. EV 955981497 US (see attached copy) indicate mailing and receipt by OIPE on January 23, 2007 and are submitted under 37 CFR 1.10(e)(3) as evidence that the Request for Rehearing under 37 CFR 41.52 was timely filed at the United States Patent & Trademark Office on January 23, 2007.

5. On April 19, 2007, we received the Notice of Abandonment mailed April 18, 2007, which further indicated that the Request for Rehearing had not been received.

Respectfully submitted,

/Christopher B. Kilner/

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